

No. 2101 CV188-MHT

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IN THE DISTRICT COURT OF THE UNITED STATES
MIDDLE DISTRICT OF ALABAMA

MONTGOMERY DIVISION

2001 MAR -2 A 9:58

**In Re: DANIEL LAFITTE DUMONDE,
PLAINTIFF,**

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA.

vs.

D. DREW, WARDEN, FPC MONTGOMERY,
PAUL D. CLEMENT, SOLICITOR GENERAL
AND THE UNITED STATES OF AMERICA, Et.al,
DEFENDANTS/RESPONDENTS.

WRIT FOR HABEAS CORPUS

**Article 1, §9, Cl 2, United States Constitution,
& 28 U.S.C. §1651(a)**

**CR-04-B-0176-S, Northern District of Alabama,
DC-03-12747, Jefferson County, Alabama.**

PLAINTIFF:

DANIEL LAFITTE DUMONDE,
#21609-001, MOBILE-B
F.P.C. MAXWELL A.F.B.
MONTGOMERY, ALABAMA

36112

-Pro-Se.

WRIT FOR HABEAS CORPUS, 28 U.S.C., §1651

FUNDAMENTAL DUE PROCESS QUESTIONS

I. DID THE GOVERNMENT HAVE POWER TO EXERCISE JURISDICTION OVER SAME SET OF STATE FACTS SIMULTANEOUSLY BEING CONTESTED BY STATE WRIT OF HABEAS CORPUS IN STATE APPEALS COURT, AS AN ILLEGAL ARREST?

SUB QUESTION 2: WAS DUE PROCESS DENIED BY THE GOVERNMENT'S COMMENCING PROSECUTION ON THE SAME FACTS AS ON STATE APPEAL?

SUB QUESTION 3: WITH NO INTERIM- LAPSE OF CUSTODY BETWEEN- ILLEGAL STATE ARREST AND FEDERAL PROCEEDINGS, AND, AS THE SAME ILLEGAL ARREST WAS ON APPEAL BY CIVIL REMEDY OF STATE HABEAS CORPUS, DID TITLE 28 USC §1339, PROHIBIT DISTRICT COURT'S JURISDICTION OVER THE PERSON AND FACTS?

II. DOES A SWORN-OATH AFFIDAVIT IN SUPPORT OF ARREST WARRANT VIOLATE THE FOURTH AMENDMENT, WHEN IT CONTAINS THE EXCLUSIVE CONDUCT OF ANOTHER PERSON,-NO OTHER AFFIDAVIT EXISTING?

SUB. QUESTION 2. DOES AN ARREST WARRANT,-WHEN COMPLETELY UNRECORDED WITHOUT PROOF OF ISSUANCE OR RETURN, VOID THE WARRANT?

III. WHEN THE GOVERNMENT FAILS TO ANSWER CHALLENGE TO ITS- SUBJECT MATTER JURISDICTION AS CONTRARY TO CONGRESS' LEGISLATIVE INTENT OF STATUTE, AND THE SOLICITOR GENERAL WAIVES THE RIGHT OF THE UNITED STATES TO OPPOSE PLAINTIFF'S CLAIM THAT HE WAS NOT CHARGED WITH A FEDERAL CRIME, SHOULD HE REMAIN IN PRISON?

JURISDICTION

Plaintiff invokes this Court's Jurisdiction under Article III, §§ 1, 2, Cl 2, and Article I, Section 9, Clause 2, United States Constitution, and in aide of Jurisdiction of this Court by Authority of Title 28, U.S.C. 1651(a).

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TITLE 28 U.S.C. §1651, WRIT FOR HABEAS CORPUS

INTRODUCTION

COMES NOW THE PLAINTIFF, DANIEL LAFITTE DUMONDE, and asserts his Right to Habeas Corpus Relief, by his privilege provided by The United States Constitution, Article 1, §9, Cl 2. He is in custody at Federal Prison Camp, Maxwell Air Force Base in Montgomery, Alabama, detained under color of Law, to serve a 66-Month Illegal Imprisonment, for alleged violation of single count of 18 U.S.C. §513(a), making, possessing, uttering a Forged and Counterfeit-(Check). Indicted with co-defendant who pled guilty, the Plaintiff went to Bench-trial and convicted in Case No.Cr-04-B-0176-S, (N.D. AL.), which originated from the same exact facts as Jefferson County, Alabama, case No.DC-03-12747, -"Theft of Property".

PLAINTIFF ASSERTS THAT HE HAS BEEN SEIZED, DEPRIVED OF-LIBERTY AND DUE PROCESS OF LAW, IN VIOLATION OF THE FOURTH, FIFTH AND FOURTEENTH AMENDMENTS OF THE U.S. CONSTITUTION, by which he has languished for in excess of THREE YEARS, as a Cruel and Unusual Punishment. The particularly egregious circumstances, clearly constitute a Manifest Injustice, which warrants an Immediate Release from his most-illegal confinement.

The Facts herein show that False Imprisonment was due to subterfuge of State of Alabama Police by the manufacture of Fraudulent Probable Casuse Affidavit and Fictitious Arrest-Warrant. Federal Authorities then USURPING same Bad-facts, without Jurisdiction. The conviction is void-"Ab-intio".

STATEMENT OF CASE

As the Federal Case is based on the exact-same set of facts as Alabama State Case DC-03-12747, Jefferson County, Birmingham, a brief pre-history is in order, to place events in perspective-

PRE-HISTORY STATE EVENTS.

IN AUGUST, 2003, Plaintiff received a diamond ring from a neighbor-acquaintance, Wade Richard Walker. Contrary to Mr. Walkers version(s) of events, which State,then Federal Authorities based prosecution, Plaintiff was Unaware at the time of receipt, that the ring was stolen property. Plaintiff sold the ring. Some Two-Months later, Plaintiff was "ARRESTED" (SEIZED), FROM HIS HOME, for "THEFT" OF THE PROPERTY, by Jefferson County, Alabama Sheriff's dept. detectives, who PRODUCED NO ARREST WARRANTS, AS DEMANDED.

Prior to Plaintiff's arrest, Wade Richard Walker admitted to the Police that he alone passed a Counterfeit Check to the victim, a Ms. Bobbie Jackson, in exchange for this property. However, also advised that Plaintiff was the person who actually "made the check" and gave it to him for this purpose. Mr. Walker WAS NEVER ARRESTED ON THE STATE/COUNTY LEVEL.

Plaintiff was committed to County Jail, and continued to demand Arrest Warrant-to NO AVAIL OF PRODUCTION. Subsequently filed NINE MOTIONS seeking access to the Courts, including State Habeas Corpus- (SEE EXHIBIT- "S-1" Docket Summary for DC-03-12747, ALA).

NOT ONE MOTION WAS ANSWERED, AND NO RETURN WAS MADE TO HABEAS-PETITION CLAIMING ILLEGAL ARREST. For this failure, Plaintiff -gained extraordinary right, and APPEALED REFUSAL TO HEAR HABEAS-DIRECTLY TO ALABAMA COURT OF APPEALS, even as a pretrial detainee.

STATEMENT OF CASE

SEE EXHIBIT "S-2", NOTICE OF APPEAL, OF HABEAS CORPUS.

As petitioner awaited relief from The Alabama court of Appeals, he had become entitled to discharge, as a matter of law, for the State's (illegal and unconstitutional)-refusal to hear the writ.

FEDERAL INTERVENTION

Before any final disposition of the State Habeas Claims were had, The U.S. Attorney's Office at Birmingham, Al., through it's agent, A.U.S.A John Felton, caused a "Subpoena" requesting handwriting exemplars be given in front of Federal Grand Jury- (Exhibit-"A"), be served on (then State Detainee) at The County Jail. Plaintiff refused "Subpoena-signed only by a Deputy Clerk", which was not a Judicial-Act/Order, and informed the Secret Service Agent server, that THE SAME SET OF FACTS WERE ON APPEAL AT THAT TIME, and that this Pro-Se Habeas Petitioner, was without an attorney. A letter of refusal and reasons were sent to U.S. Attorney's office- (SEE CONTENT OF EXHIBIT-"B" Gov. Motion 4/28/2004)

Six days later of the serving of subpoena, the U.S. marshal seized, chained, shackled, handcuffed, and Removed State detainee from County Jail, and State Custody,- WITHOUT ANY WRIT, WARRANT, OR ANY OTHER PROCESS/AUTHORITY FOR TRANSFER TO FEDERAL -JURISDICTION.

Taken to Federal Courthouse-for a single day-April 28,2004, State Detainee/Federal-"Suspect" was first FORCED IN FRONT OF GRAND JURORS-UNDER PROTEST-STILL WEARING PRISON STRIPE JAIL UNIFORM-AND "LEG SHACKLES", AND "HANDWRITING SAMPLES DEMANDED BY A.U.S.A.

STATEMENT OF CASE, CON'T

TWO DAYS AFTER THAT EVENT, FEDERAL INDICTMENT RETURNED TO A SINGLE COUNT VIOLATION OF TITLE 18,§513(a), making, possessing, uttering a FORGED and Counterfeit Security-(Check-same as used in the State Crime still on Appeal). [SEE INDICTMENT, APRIL 30, 2004,-Exhibit-"C"].

Federal proceeding commenced, April 30, 2004, as the same facts remained on Appeal by Habeas Corpus-through May 19, 2004.)

Also on May 18, 2004, The Secret Service returned their Report Analysis of the TEN-Pages of Handwriting Samples taken during the Appearance in front of the Grand Jury on APRIL 28, 2004), where ALL SAMPLES WERE-"INCONCLUSIVE" to any Government cause, yet Plaintiff was already pre-Indicted-APRIL 30, for a FORGED and Counterfeit Security. The Grand Jurors, obviously by the date of the return of the handwriting results, Were never presented or considered that evidence in their return of Indictment. While evidence is not the issue here, but the Egregious Denial of Due Process and fundamental fairness. -(SEE EXHIBIT-"D", Secret Service-Handwriting results.)

Plaintiff continued to insist the State Arrest illegal and therefore the Federal proceeding based on the Unconstitutional State Arrest. The Government finally produced the State Warrant and Supporting Documents-(on a Motion to Show cause why these were missing from discovery)-and they were then Entered on The Record of The United States District Court- as legitimate cause for Plaintiff's arrest, and the conducting of a Federal trial. -SEE EXHIBIT-R-PAGE 8, Sept.9, 2004, entering these on record)

STATEMENT OF CASE, CON'T

EXHIBIT-"G":

The Warrant contained Illegible signatures purporting to have been signed by a "Judge Watkins"-which is Typed at the bottom the Arrest Warrant, near "Bond". A rubberstamp—"committed to jail" -date, has been altered. The execution date—"0000", and neither this Warrant or supporting Probable Cause Affidavit include any Clerk's Authentication. (EXHIBIT—"G", Arrest Warrant)

EXHIBIT—"J":

The supporting Probable Cause Affidavit, -(EXHIBIT—"J"), contains the same illegible signature purporting to be a Judge- or Magistrates. The affiant of both Arrest Warrant and Probable Cause Affidavit, are not the arresting Officers, but the affiant and victim, Bobbie Jackson.

When Ms. Jackson appeared at trial on Sept.13,2004, affiant Jackson PROVED CONCLUSIVELY BY HER TESTIMONY THAT THE CONDUCT IN HER SWORN OATH PROBABLE CAUSE AFFIDAVIT WAS EXCLUSIVELY THAT OF CO DEFENDANT, AND CONTAINED CONDUCT THAT PLAINTIFF WAS NEVER ACCUSED OF. Contrary to the Probable Cause stated there that this Plaintiff had "COME UP TO HER HOUSE'AND "(GAVE)HER A CHECK IN EXCHANGE FOR HER PROPERTY", Jackson testified she had never seen Plaintiff before-(R-PAGE 96, LINES 18,19.) Said she DID NOT HAVE ANY PERSONAL KNOWLEDGE THAT PLAINTIFF WAS INVLOVED IN THE CRIME"—(SEE R-PAGE 100, LINES 21,22,-23,25).

AD NAUSEUM OBJECTIONS TO CLEAR FOURTH AMENDMENT VIOLATION PROVING FALSE ARREST, were OVERRULED by The District Court Judge, Blackburn. As this Warrant and Affidavit containing the Exclusive conduct of another person, would be known to a law-student to be plain wrong, The Judge was unreasonably biased-disabled.

STATEMENT OF CASE, CON'T

-If the trial had otherwise been conducted legally, for it was certainly not, based upon the transfer of custody while the same set of facts were on State Appeal by Habeas Corpus, the Judge's single egregious act of "Overruling the Protections of The Fourth Amendment", was a flagrant denial of Due Process and forfeiture of right to Fair proceedings/trial.

(SEE R-PAGE 7, Sentencing of APRIL 15, 2005-OVERULE)

CLEAR MALFEASANCE

It must be noted here that the A.U.S.A John Felton was a newly-appointed Assistant U.S. Attorney at the time of his action of removal and transfer of Plaintiff, first without any Indictment or writ, then as the Indictment returned and the same facts remained on State Habeas Corpus Appeal. A.U.S.A Felton's previous-position before the Federal government, was Deputy District Attorney from the same County Circuit of the State Case. He had to communicate with his former boss, District Attorney David-Barber of The Tenth Judicial Circuit at Birmingham, Alabama, in order to orchestrate the removal of Plaintiff from State to Federal-Custody, and both of them would have certainly known that the same set of facts were indeed on Habeas Corpus Appeal. There is no way to otherwise present or mitigate this claim, the absolute fact is A.U.S.A and District Attorney acted by artifice, scheme and unlawful assignment to invoke Federal Jurisdiction.

The cause of their illegal actions now appear to have been an effort to force and or intimidate Plaintiff to pleading guilty-(to a crime Plaintiff maintains innocence), and in effort to cover-up and conceal the fact of the Fraudulent and Fictitious-Arrest Warrant and False Probable Cause Affidavit in this case.

STATEMENT OF CASE, CONCLUSION

This contention is supported by the fact that the Arrest-Warrant and Fraudulently Concocted Probable Cause Affidavit, are in fact - UNRECORDED IN THE CLERK'S OFFICE of the County Courthouse, and this is also the likely reason they were not produced to the original State Habeas Corpus petition, which went-unheard there.

ARREST WARRANT/AFFIDAVIT, UNRECORDED

PROOF: Plaintiff contacted the Jefferson County, Alabama, County-Clerk, Anne Marie Adams, from prison, and requested certified copy of Arrest Warrant and Probable Cause Affidavit-(Exhibits "G" and "J",) as on file in the Clerk's Office. Plaintiff then received letter from the Clerk, dated Oct 31, 2005, wherein she stated that- "NO ARREST RECORD IS IN THE CLERK'S FILE". Clerk did include Docket Summary for State Case DC-03-12747,) - (SAME AS EXHIBIT-S-1"), which also SHOWS NO -"ISSUANCE OR RETURN" OF ANY ARREST WARRANT, which is mandatory in all jurisdictions, by uniform Rules of Criminal Procedure.^{*1}

*1. Rule 224, (c).

LACK OF SUBJECT MATTER JURISDICTION

Finally, had the arrest and process actually been legitimate, it was otherwise made illegal by fact the government did not have subject matter jurisdiction, or necessary elements present to charge a crime under Statute 18, U.S.C., §513(a), charge of The Federal Indictment. This fact is Proven herein, and no less by the fact that THE SOLICITOR GENERAL OF THE UNITED STATES, HIMSELF WAIVED RIGHT TO ARGUE THIS ISSUE IN THE SUPREME COURT.

The clear facts here are that Plaintiff has been deprived of rights under color of Law, by flagrant violations of Due-Process, in violation of THE FOURTH, FIFTH AND FOURTEENTH AMENDMENTS.

SUMMARY OF ARGUMENT

First, The State of Alabama never had personal jurisdiction of Plaintiff based upon a **False Arrest** accomplished by **Perjured-Probable Cause Affidavit and UNRECORDED/FICTITIOUS ARREST-WARRANT.** where use of these "**NO CHARGING INSTRUMENTS**" to **SEIZE PLAINTIFF FROM HIS HOME**, was tantamount to kidnapping. Plaintiff filed a State Habeas Corpus from County Jail, and **The State refused to respond**, suspending this right. **Exclusive Jurisdiction** of these facts were conferred on the **State**, when at the time State detainee -**Appealed County Circuit's Refusal to hear Habeas writ-to Alabama Court of Appeals**, which prohibited custody transfer.

While (then **Ex-Parte**) Habeas Writ was pending, The Federal-Government **removed State detainee from County Jail and State Custody**, contrary to State and Federal Statutes, Policies and-Denied Fundamental Fairness, to invoke Federal Jurisdiction of the same State facts, by **artifice and device of assignment**, using a "**Subpoena Only**" signed by **deputy clerk**, and **without writ or other Judicial Act Authorizing Transfer**, to an arbitrarily stated purpose of demanding "Handwriting Samples" being given in front of a Federal Grand Jury, **April 28, 2004**. Plaintiff was subsequently forced to-appear, while wearing his "prison-stripe" County Jail uniform and -"leg-shackles", on the premise of "investigating" same State facts.

Two-days later of that event, Federal Indictment returned **April-30, 2004**, for violation of 18USC 513(a), making, possessing,etc. a Counterfeit-(Check)--[**Exhibit-C**]. Only then was a writ obtained by The Federal Government for transfer to Federal Custody for the purpose of Arraignment, then **Federal Proceedings commenced-while-**
(PAGE EIGHT)

SUMMARY OF ARGUMENT, CON'T

--the same remained on State Appeal contested as an ILLEGAL-ARREST, WITHOUT DISPOSITION-(through MAY 19, 2004), when the Federal Intervention/Indictment caused the State Appeals Court to SUMMARILY -DISMISS the Appeal-Without Comments or reasons (EXHIBIT-"S-3).

State Jurisdiction was USURPED, there being No Interim-lapse of custody between State and Federal Seizures(s). The District Court-did not have jurisdiction to hear government's case-(28 USC §1339) Forced to Illegal Federal trial, Plaintiff opted for bench trial, in belief Judge would acknowledge a clear False Arrest. The Judge-was unreasonably biased/disabled, when she OVERRULED OBJECTIONS TO-CLEAR VIOLATION OF THE FOURTH AMENDMENT'S PROVISION OF "OATH OR AFFIRMATION", -(R-7) as the Probable Cause Affidavit was PROVEN FALSE-AND PERJURED, -IPSO FACTO,-BY THE AFFIANT'S OWN TRIAL-TESTIMONY,-SEE -(Exhibit "J", Affidavit, and -R-PAGES 96,100,102)

After that testimony, The County/Arresting Officers, were allowed to state-verbally-only-"Other Probable Cause"-not contained in any -other Affidavit, this contrary to fundamental principal of Law in-"Four Corners Doctrine".

Committed to Prison, Plaintiff wrote to The County Clerk's Office and requested certified Copy of same Arrest Warrant and Affidavit--(Exhibits-"G"and "J"), to which the Clerk responded by letter of Oct 31, 2005, stating "NO ARREST RECORD IS ON FILE" SEE-(EXHIBIT-"L")

Finally, Plaintiff also took Certiorari from Eleventh Circuit - Court of Appeals failure to address/understand this Issue that the Government had NO SUBJECT MATTER JURISDICTION, and FAILED TO CHARGE PLAINTIFF WITH A FEDERAL CRIME UNDER STATUTE 18USC §513. The Supreme-Court never heard the Petition, but THE SOLICITOR GENERAL responded- by filing a WAIVER OF ANY ARGUMENT. SEE-(Exhibit-DOC.1)

I. THE GOVERNMENT DID NOT HAVE POWER BY JURISDICTION OVER THE-SAME STATE FACTS ON APPEAL BY STATE HABEAS CORPUS.

As the very same set of State facts sought to be Federally prosecuted were facts being simultaneously contested by State Habeas Corpus, on constitutional grounds of illegal arrest, fundamental fairness afforded by The Due Process clause of The Fifth and Fourteenth Amendments would prohibit transfer of the facts and person to Federal Jurisdiction.

First, Alabama law, Code 1975, Section S15-21-31, clearly prohibits transfer of custody to elude effect of Habeas Corpus, and provides fine and imprisonment for such transfer. Yet in -collusion with the State District Attorney-for no transfer could have occurred without his knowledge-A.U.S.A. John Felton at Birmingham, did remove then State detainee/Plaintiff, from State Custody without any Writ, on April 28, 2004-(Exhibit A), for the purpose of "demanding Handwriting samples be given in front of Federal Grand Jury-(Exhibit-B), relevant to the same (counterfeit) check used in the State crime. This transfer causing by prejudicial appearance -in jail clothes and "leg shackles", the Federal Indictment to return April 30, 2004,- (Exhibit-C), which caused the State Court of Criminal Appeals to DISMISS THE HABEAS PETITION, [ALA-CR-03-1126], (EXHIBIT-S-3) -WITHOUT CITING ANY REASONS-ON MAY 19, 2004, which shows by the date that Federal Arraignment and prosecution was begun-April-28, 30, while the same set of facts remained on State Appeal.

SUB QUESTIONS 2,3. THE DISTRICT COURT DID NOT HAVE PERSONAL-JURISDICTION OF PLAINTIFF'S PERSON-OR THE FACTS. -As the State-facts were undeniably on State - appeal, at the same time they were USURPED, and this accomplished by improper assignment and collusion by The A.U.S.A and District Attorney to invoke Fed-Jurisdiction, 28 U.S.C. S1359, PROHIBITED COURT'S JURISDICTION.

ARGUMENT AND ANALYSIS

III. S OATH OR AFFIRMATION, SPROBABLE CAUSE AFFIDAVIT

A SWORN OATH AFFIDAVIT CONTAINING THE EXCLUSIVE CONDUCT OF ANOTHER PERSON, USED AS PROBABLE CAUSE AFFIDAVIT FOR ARREST -WARRANT, CLEARLY VIOLATES THE FOURTH AMENDMENT, AND VOIDS ANY-WARRANT, WHEN NO OTHER AFFIDAVIT OR RECORD EXISTS.

As the Federal proceeding commenced, Plaintiff continued to request production of The Arrest Warrant and supporting Affidavit. When these were finally (reluctantly) produced, these spurious documents were entered on the record of The U.S. DISTRICT-COURT, -as legitimate cause for Arrest-and the conducting of a Federal Trial. -(SEE R-PAGE 8, Sept. 9, 2004- Sup -pression hearing for CR-04-B-0176-S, same Affidavit Entry)

The Affidavit, [Exhibit-J], clearly contained the Exclusive Conduct of Another Person, and NONE of The Conduct sworn in that Affidavit could be attributed to this then defendant.

In BROWN V. BYER, 870 F. 2d 975, (5th Cir. 1989), it was held: -"THE EXISTENCE OF A FACIALLY VALID WARRANT FOR-ARREST OF ONE PERSON DOES NOT AUTHORIZE A POLICE OFFICER TO EFFECT AN ARREST OF ANOTHER PERSON,-EVEN IF THE OFFICER BELIEVES THE SECOND PERSON IS GUILTY OF THE FIRST PERSON'S CRIMES".

(Emphasis added) (Am Jur 5, §28, designation of-persons to be arrested.

The conduct was determined to be exclusively that of co-defendant. That this was true, was CONCLUSIVELY PROVEN AT TRIAL in cross examination of the victim-and affiant of the Affidavit's-own trial testimony. The victim's Affidavit swears:

"SUSPECT CAME TO MY HOME, SAID HE WAS PAUL MOORE'S SON. PRESENTED ME WITH A COUNTERFEIT CASHIER'S CHECK IN EXCHANGE FOR-MY DIAMOND RING", ETC. (SEE-EXHIBIT "J") The victim was then-
(PAGE ELEVEN)

ARGUMENT AND ANALYSIS

--questioned concerning her Oath, and on R-PAGE 96, (Attached),--
LINE 18, this defendant asked- "Have you ever seen me before,
-ma am? To which she answered-LINE 19,-"NO".

At R-PAGE 100, (Attached), LINES 21-23, The Court asks affiant-
Do you have ANY PERSONAL KNOWLEDGE of your dealings that this
-man was involved? The affiant/victim replies: LINE 23: -"Oh
-NO, huh-uh". and at LINE 25,-"I JUST GOT IT ALL FROM
-AUTHORITIES".

At PAGE 102, this Pro-Se defendant asked,LINE 8, -"So I've-
never come up to your house? ANSWER, LINE 10: -YOU NEVER CAME
-UP TO MY HOUSE".

It was then and there proved by the affiant's own testimony, that the content the Probable Cause Affidavit, [Exhibit-J], was-completely FALSE, as it's sworn-Oath Affirms: "SUSPECT CAME TO
-MY HOME", Etc.

Here, as in FRANKS V. DELAWARE, 438 US 154, 57 L Ed 2d 667, -98 S Ct 2674,(1974), the Fourth Amendment prohibits the "Knowing or Reckless falsity of the affidavit" in which Probable Cause determination is made.

It has been the Historically Unchanged Stare decisis of the Supreme Court that-"when Affidavit is completely insufficient,-warrant of arrest is void"-DARNALL V. UNITED STATES,(1943 Mun-Ct. App Dist Col) 33 A2d 734. In case after case, if a defendant can establish that a warrant affidavit contains-
(1.) "statement or statements made with reckless disregard for-their truth and(2.) court finds challenged material necessary-

ARGUMENT AND ANALYSIS

-- to finding of Probable Cause, then the Warrant must be Voided". UNITED STATES V. JABARA, (1980, CA9 Cal) 618 F.2d-1319, 5 Fed Rules of Evid Serv 1218, cert den(1980) 446 US 987, 64 L Ed 845, 100 S Ct 2973 and cert den(1980) 449 US 856, 66 L Ed 71,101 S Ct 154, cert den.

"Affidavit sufficient on it's face for issuance of a warrant may be impeached when (1) false statement was made by affiant to deceive court, or (2) Statement was False when made, and AFFAINT DID NOT HAVE REASONABLE GROUNDS FOR BELIEVING SUCH STATEMENT" (Emphasis Added)

UNITED STATES V. LUNA, (1975 CA6 Mich) 525 F 2d 4, cert den (1976) 424 US 965, 47 L Ed 2d 732, 96 -S Ct. 2674.

-USCS, Amendment 4.

As shown in Luna and case set out Supra, the victim/affiant had No Reasonable Grounds or Personal Knowledge for believing any crime to have been committed by Plaintiff, and the affidavit was completely False when made. NOTE: It should be noted that the Arresting Officers never filed any complaint Affidavit Application for an Arrest Warrant for this then suspect themselves. Instead, they induced the victim to sign a Perjured and Fraudulently concocted Affidavit, combining the conduct of the actual perpetrator-(so-called co-defendant), -with this suspect's vital information. In fact, the County Cops knew more than Two-Months prior to concocting the Fraudulent Affidavit, that the conduct they ultimately-(convinced the victim to use)-was not this suspect's conduct. In one of their work-product-"jencks material obtained from government discovery- (Exhibit-H), it states that they "contacted the victim" and she described the suspect as being approximately NINETEEN YEARS OLD" (This suspect then a 51-Year-

ARGUMENT AND ANALYSIS

--Old Man.

The date on the Exhibit-H document, -8/29/2003, shows this true, as the False Affidavit and Warrant are dated-10-16-2003, or some near **Two-Months Apart.**

As it is clear that the supporting Affidavit is false, the affidavit incorporated in the document purporting to be a valid warrant-"Exhibit"G", is equally False, for it also contains a (conclusory) statement, signed by the same victim-as-affiant. that this Plaintiff knowing deprived her of her property-one diamond ring. (SEE EXHIBIT-G, State Arrest Warrant.)

Moreover, RULE 56(e), Fed Rules Civ. Procedure, states: Supporting and opposing Affidavits SHALL BE MADE ON PERSONAL-KNOWLEDGE, Shall set forth facts as would be admissible in evidence, and SHALL SHOW AFFIRMATIVELY THAT THE AFFIANT IS COMPETENT TO TESTIFY TO THE MATTERS THEREIN.

Only After of this revelation of the falsity in the Affidavit and Warrant at trial, did the County Cops/Arresting Officers claim that they in fact had "Other Probable Cause"-Not contained in any other Affidavit, and they were allowed by that District Court to state-"Verbally Only" other extraneous events as Probable Cause-NOT CONTAINED IN ANY OTHER AFFIDAVIT.

This allowance by the District Court was a fundamental denial of Due Process, as an elementary principal of Law- "The Four-Corners" doctrine, prohibits the adding of Probable Cause once an application is made on insufficient material.

Additionally it should be noted that that Court was unreasonably biased and disabled enough to OVERRULE THE OBJECT-

ARGUMENT AND ANALYSIS

-JECTIONS OF THIS DEFENDANT TO THE APPARENT AND EGREGIOUS VIOLATIONS OF THE FOURTH AMENDMENT, which as a single outrageous act, violated the Right to a Fair Trial.

(SEE ATTACHED, -R PAGE 7-Sentencing hearing, APRIL 15, 2005)

Finally, in continuing effort to obtain a modicum of Justice in this matter, Plaintiff contacted the Jefferson County, Alabama, County Clerk, Anne Marie Adams, by letter from Prison, and requested certified Copy of The Documents purporting to legitimate instruments here, -[Exhibits-"J" and "G"]. The clerk responded by letter of Oct.31,2005, and there stated-"NO ARREST WARRANT-OR ANYTHING-IS RECORDED IN THE CLERK'S FILE".

(SEE ATTACHED, Clerk's letter,-EXHIBIT-L)

The Arrest Warrant and affidavit is, simply UNRECORDED. A RETURN-OF AN ARREST WARRANT IS MANDATORY by Alabama Code 1975-\$15-10-47; A RETURN OF AN ARREST WARRANT IS MANDATORY by UNIFORM-RULES OF CRIMINAL PROCEDURE-RULE 224(c); The same is REQUIRED BY FEDERAL RULES OF CRIMINAL PROCEDURE,-(RULE 4, (d)4)

CONCLUSION OF ISSUE OF PERSONAL JURISDICTION

Plaintiff has asserted in The District Court that the County Cops, having insufficient Probable Cause, knowingly induced the victim to sign the Falsely Concocted Affidavit, then as a Magistrate would likely not issued an arrest warrant, simply signed the affidavit and Warrant-themselves.

Examination of the Warrant and Affidavit Magistrate's signatures, shows that they are COMPLETELY ILLEGIBLE. In any event, the warrant documents cannot be proven to even exist, they are "NO CHARGING INSTRUMENTS", and could not confer PERSONAL JURISDICTION TO STATE, NOR THE FED GOVERNMENTS.

CONCLUSION OF ISSUE OF PERSONAL JURISDICTION

Before going to the next Issue of Subject matter Jurisdiction, which is actually moot, in light of the fact that the federal Government seized Plaintiff's False Arrest-in a continuous chain of custody, and the spurious unrecorded arrest warrant documents cannot be shown to be otherwise legitimate, it has been held concerning Personal Jurisdiction, -that:

[6] "If a court lacks jurisdiction over a party, then it lacks "all jurisdiction" to adjudicate that party's rights, whether or not the subject matter is properly before it" See e.g., Kulko v. Superior Court, 436 U.S. 84, 91, 98 S Ct. 1690, 1696, 56 L Ed 2d 132 (1972) "it has long been the rule that a valid judgement imposing a personal obligation or duty in favor of the plaintiff may be entered only by a court having jurisdiction of the person of the defendant" (citations ommitted); In Re Wellman, 3-Kan. App. 45 P. 726, 727, (1986) (ex parte guardianship proceeding would be a "flagrant violation of due process, rendering any order -NULL AND VOID"

Quoted from RANKIN V. HOWARD, 633 F. 2d 844, (1980), Id. at 848-849, Headnote 6.

GROUND III.

SUBJECT MATTER JURISDICTION.

As this fundamental Issue was raised in the Eleventh Circuit on direct appeal No.05-12349, that Court failed to Rule on the merits of this claim. Plaintiff took certiorari to Supreme Court, No.06-8405, which was denied-without more. As Plaintiff cannot rely on that Court's discretionary agenda, he has withdrawn Motion for Rehearing, to bring this claim here, as "jurisdictional claims can be brought at any time".

-UNITED STATES V. NUKIDA, 8 F 3d 665, 668-69 (9th Cir.1993)

III. SUBJECT MATTER JURISDICTION

Plaintiff asserts that The Federal Government FAILED TO CHARGE PLAINTIFF WITH A FEDERAL CRIME. The Indictment for a single violation of Title 18 USC \$513(a), making, possessing uttering a counterfeit security-(check), (EXHIBIT-"C"), states:

On or about the 25th day of August, 2003, in Jefferson County Alabama, the defendants....

each aided and abetted by the other, with the intent to deceive Bobby Jackson, did knowingly make, possess, utter, and did knowingly cause to be made, possessed, a counterfeited security, that is, an official check in the amount of \$16,500, drawn on Region's Bank, Birmingham, Alabama, an organization which operates in and affects interstate commerce, in violation of Title 18, USC 513(a) and 2".

At trial, the Government's own witness, Bruce Weatherford, testified that although the False Checks that the Counterfeit purports to mimick, were sold by Region's Bank, and Region's Bank's name appears on the checks, the checks are in fact owned by a seperate company, "IPS", or Integrated Payment Systems". SEE R-PAGE 233, LINE 13-14, and 17-18, where Mr. Weatherford states-"They own these checks".

Actual Owner, "IPS" was not named party in the Indictment. and No one representing "IPS" interests, testified at trial. Mr. Weatherford, was unsure what type of relationship his Bank had with actual owner "IPS". On cross, he was asked if his-Bank was a Broker for "IPS"-R-PAGE 233,LINE 25,-R-PAGE 234,LINE -1). Weatherford stated he -"WOULDN'T SAY"and was "NOT SURE" what the correct terminology is.-(PAGE 23 ,LINES 2-3.) ASKed if actual owner, IPS, affected Interstate Commerce, he replied, -"I DON'T KNOW".

III. LACK OF SUBJECT MATTER JURISIDCTION

MOST IMPORTANTLY The government asked it's witness on Re-Direct, R-PAGE 234, LINES 15-16, if he verified that the account number on the bottom was a Region's Account number. He agreed that, yes, it was a Region's Account number, but that if the check were sent to Region's Bank, -"it COULD NOT POST, TO THE ACCOUNT,-BECAUSE THE ACCOUNT NUMBER IS -NON-EXISTENT AT REGIONS BANK." SEE-(R-PAGE 234,LINES 21-22.)

ARGUMENT AND ANALYSIS

The premier Authority and comprehensive Case Law on this Issue is UNITED STATES V. BARRONE, C.A. 9 (Nev.) 1995, 71 -F.3d 1442, where it was held concerning Statute Section -Title 18, 513(a), -

"non existent shell companies on whose accounts checks were drawn in course of scheme to utter forged securities were not "Organizations" whose activities affected interstate commerce within the meaning of statute making it a Federal Offense to utter with intent to deceive ,forged security of organization, as as only effect on interstate commerce resulted to victim which operated in interstate commerce; intent of statute was to tie jurisdictional element to interstate effect of organizations' operations, NOT OFFENSE CONDUCT."

The Issue here is the language of Statute §513(a), and the proper interpretation of-"affect interstate...commerce".

Plaintiff was accused and convicted of making the counterfeit check and giving it to co-defendant, who then exchanged the check to the victim-on private property-for her personal property, one diamond ring. As the indictment language says-"with the intent to deceive Bobbie Jackson-

III. LACK OF SUBJECT MATTER JURISDICTION

--which defines the only intent as the "Offense Conduct".

IN THE BARRONE CASE, the participants cashed a number of checks purporting to be payroll checks on accounts of various legitimate-businesses, and cashed at other existing businesses. The checks were in fact drawn on closed accounts or accounts with insufficient funds. Bank representatives testified in the Barrone case regarding the dates on which the various accounts were opened and closed. Several victim-business owners testified that they operated in Interstate Commerce. The fact that the fraudulent checks were drawn on accounts which were insufficient or closed, apparently did not affect the "Organizational-Operations" of the Interstate Commerce of the -Bank. The affecting of the Interstate Commerce of a person or business' "Organizational Operations" is the requisite element for which to charge a crime under Statute 18 USC §513. It was held in Barrone that the IMPOTENT-Checks there were-only drawn on "Shell Companies", and this "Offense Conduct" only necessarily did not affect Interstate Commerce of The Bank, and that the 18 USC §513 could not be used to charge the crime(s).

Plaintiff asserts here, and previous to the Government, that The same principal in Barrone equally applies in the instant case. Because, the False Check here, that the counterfeit purported to mimick, was not "drawn on Region's Bank," when the actual owner was a company called "IPS", and the Government did not even establish that "IPS" worked in interstate commerce. Region's Bank otherwise had NO LIABILITY, as The Instant check was actually same as a "Shell Company" when it was so IMPOTENT that it "COULD NOT POST" as the account numbers-"NON EXISTENT".

IN CONCLUSION OF SUBJECT MATTER JURISDICTION

The Indictment charging Plaintiff in violation of 18 USC-\$513-(a), was an illegal act done under color of law by omission of requisite element in pursuance of an act of Congress' legislative intent in enacting Federal Statute \$513.

"When assessing the reach of a criminal statute, close heed must be paid to language, history and purpose in order to strictly determine the scope the enactment forbids"

DOWLING V. UNITED STATES, 473 U.S. 207, 87, L. Ed 105-S Ct. 3127, (1985)

The government did not otherwise argue any other jurisdictional theory to the trier of fact, and completely failed to address this issue on direct appeal, No.05-12349 I, (Eleventh Circuit). The government has abrogated their clear duty to Prove Jurisdiction, when so contested. When the same argument was submitted to The Solicitor General of The United States, he responded by FILING A WAIVER OF THE GOVERNMENT'S RIGHT TO ARGUE THIS ISSUE, IN THE SUPREME COURT OF THE UNITED STATES. -(ATTACHED, EXHIBIT-DOC.1).

IN CONCLUSION,

It is clear that the government Failed to charge Plaintiff with a crime under Title 18,513(a) , and Plaintiff's argument is sustained by the examination of Congress' legislative intent in Barrone.

CONCLUSION AND RELIEF

That Plaintiff was Ruthlessly seized by lawless State actors from his Home, deprived of Liberty, Fairness and Due Process of Law by both State and Federal Governments, cannot be reasonably-disputed or legitimately opposed. In an unconstitutional chain of unbroken custody, Unrecorded Arrest Warrants, False affidavits and void process that could not confer any jurisdiction, the current conviction here is "void-ab-intio" on it's face, and his current imprisonment is particularly-egregious and Unjustified.

RELIEF

IN RELIEF, DEGENCY, JUSTICE AND THE LAW REQUIRE PLAINTIFF'S FREEDOMS RESTORED, AND HE PRAYS THIS HONORABLE COURT TO RESTORE HIS LIBERTY AS HE IS ENTITLED AND AS OVER(DUE), BY IMMEDIATE RELEASE OF THE PRISONER.

ON MY OATH, and by Title 28,U.S.C. §1746,-

The foregoing sworn true under penalty for perjury,

and RESPECTFULLY SUBMITTED,

THIS 28 DAY OF FEBRUARY, 2007,

By-

/S/ 
DANIEL L. DUMONDE, PLAINTIFF, PRO-Se.
#21609-001, MOBILE-B
F.P.C. MAXWELL AIR FORCE BASE
MONTGOMERY, ALABAMA, 36112

There is no justification for the knowing and deliberate violations of the rights of the individual".

Rachin v. California, 342 U.S. 165, 72 S Ct. 205, (1972)

PROOF OF SERVICE

That I, Daniel DuMonde, Plaintiff in the foregoing Writ for Habeas Corpus, do hereby swear and affirm, that I have caused true copies of the Petition, filed by Authority of Article 1, Section 9, Clause 2, United States Constituion, and 28 USC \$1651, to be placed in the mail box of this Instituion, U.S. Postage correct and paid, addressed to the following parties:

**WARDEN D. DREW,
F.P.C. MAXWELL AIR FORCE BASE
MONTGOMERY, ALABAMA, 36112**

**PAUL D. CLEMENT,
SOLICITOR GENERAL OF THE UNITED STATES
950 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C., 205 -0001**

SO SWORN BY TITLE 28 USC §1746,

**AND DONE, THIS 28 DAY OF FEBRUARY,
-2007,**

BY-

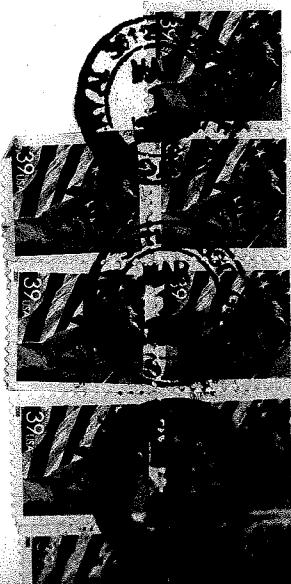
/s/ Daniel L. DuMonde
DANIEL L. DUMONDE, PLAINTIFF

=PRO-SE

**#21609-001, MOBILE-B
F.P.C. MAXWELL AIR FORCE BASE
MONTGOMERY, ALABAMA, 36112**

L. DUMONDE, PRO-SE
P-001, MOBILE-B
AL PRISON CAMP, MAXWELL AFB
MONTGOMERY, AL., 36112

TO: CLERK'S OFFICE
U. S. DISTRICT COURT,
MIDDLE DISTRICT OF ALABAMA,
ONE CHURCH STREET
MONTGOMERY, AL.
36104



ACRO372
OPER: DIG
PAGE: 1ALABAMA JUDICIAL INFORMATION SYSTEM
CASE ACTION SUMMARY
CIRCUIT CRIMINAL

CASE: CC 2004 000783.60

RUN DATE: 02/19/2004

IN THE CIRCUIT COURT OF JEFFERSON

JUDGE: VAV

STATE OF ALABAMA

VS

DUMONDE DANIEL LAFITTE
324 WASHINGTON ST

CASE: CC 2004 000783.60

BESSEMER, AL 35020 0000

DOB: 03/31/1952 SEX: M RACE: W HT: 5 10 WT: 195 HR: BRO EYES: BLU
SSN: 077687398 ALIAS NAMES: GOLDBERG LENNY SPENCER DANIEL
CHARGE01: PRE-CONV HABEAS CORP CODE01: PCHC LIT: PRE-CONV HABEA TYP: O #: 001
OFFENSE DATE:AGENCY/OFFICER: 0010000 TICE
DATE ARRESTED: 10/23/2003
DATE FILED: 02/19/2004
DATE HEARING:
SURETIES:DATE WAR/CAP ISS:
DATE INDICTED:
DATE RELEASED:
BOND AMOUNT: \$.00DATE 1: DESC: TIME: 0000
DATE 2: DESC: TIME: 0000

TRACKING NOS: DC 2003 012747 00

DEF/ATY: BARKER MILTON E JR
2205 MORRIS AVE
BIRMINGHAM AL 35203

TYPE: A

Chas.A. Thomas TYPE: A

PROSECUTOR: BARBER M DAVID

00000

OTH CSE: DC200301274700 CHK/TICKET NO: 418453
COURT REPORTER: SID NO: 000178493 GRAND JURY:

DEF STATUS: JAIL DEMAND: OPER: DIG

DATE ACTIONS, JUDGEMENTS, AND NOTES

12-29-03	Motion for dismissal
2-4-04	Notification of Motion to proceed pro se & request for appointment of standby counsel & Motion for bond reduction
2-4-04	Dec in support of request to proceed in forma pauperis
2-18-04	(Writ of Habeas Corpus)
2-19-04	
3-5-04	I brought before the Court. This court has been advised that D's case is set to come off the March OT. This court will not rule on the Habeas petition if/when case assigned to a Circuit Judge. Reginald L. Dennis

EXHIBIT - "S-1"

ACR0372
OPER: DIG
PAGE: 1
=====

IN THE CIRCUIT COURT OF JEFFERSON

ALABAMA JUDICIAL INFORMATION SYSTEM
CASE ACTION SUMMARY
CIRCUIT CRIMINAL

CASE: CC 2004 000783.00

RUN DATE: 03/10/2004

JUDGE: MMC

STATE OF ALABAMA

VS

DUMONDE DANIEL LAFITTE
324 WASHINGTON ST

CASE: CC 2004 000783.00

BESSEMER, AL 35020 0000

DOB: 03/31/1952 SEX: M RACE: W HT: 5'10 WT: 195 HR: BRD EYES: BLU
 SSN: 077687390 ALIAS NAMES: FITTER MARSHALL GOLDBERG LENNY
 =====
 CHARGE01: THEFT OF PROP 1ST CODE01: TOP1 LIT: THEFT OF PROP TYP: F #: 001
 CHARGE02: REC STOLEN PROP 1ST CODE02: RSP1 TYP: F #: 001
 OFFENSE DATE: 08/25/2003 AGENCY/OFFICER: 0010000 TICE

DATE WAR/CAP ISS:
 DATE INDICTED: 03/05/2004
 DATE RELEASED:
 BOND AMOUNT: \$0.00

DATE ARRESTED: 10/23/2003
 DATE FILED: 03/10/2004
 DATE HEARING:
 SURETIES:

DATE 1: DESC: TIME: 0000
 DATE 2: DESC: TIME: 0000

TRACKING NOS: DC 2003 012747 00 /

DEF/ATY: BARKER MILTON E JR TYPE: A

2205 MORRIS AVE

BIRMINGHAM AL 35203

*Chas. Amos
Thompson*

TYPE:

"Plea of not guilty and
waiver of arraignment
filed in open Court."

PROSECUTOR: BARBER M DAVID

OTH CSE: DC200301274700 CHK/TICKET NO: 418453
 COURT REPORTER: SID NO: 000178493 GRAND JURY: 70602
 DEF STATUS: JAIL DEMAND: OPER: DIG

NOTE: NCIC 2399

DATE ACTIONS, JUDGEMENTS, AND NOTES

3-4-04	Motion for Restoration of Property filed
MAR 16 2004	Set this case for PRE-TRIAL on <u>4-30-04</u> at 9:00 a.m. <i>4/9/04</i> JUDGE MIKE McCORMICK
APR 30 2004	It appearing to the Court that the defendant is without and unable to employ counsel and upon defendant's request that the Court appoint counsel to represent him in this cause, the Court hereby appoints Hon. <u>Charles Amos Thompson</u> THO-090 Attorney at law, to represent him herein. JUDGE McCORMICK Circuit Judge

EXHIBIT - S-1
2nd PAGE

ACR0369 ALABAMA JUDICIAL INFORMATION CENTER

CASE ACTION SUMMARY
CONTINUATIONCASE: CC 2004 000783.60
JUDGE ID: VAV

STATE OF ALABAMA VS DUMONDE DANIEL LAFITTE

DATE ACTION, JUDGMENTS, CASE NOTES

2-4-04 Motion to withdraw A62

1-16-04 Request for appointment of Defense - Counsel

2-20-04 Addendum to writ for Habeas Corpus

2-23-04 Motion to proceed *in forma pauperis*5-4-04 *Withhold ruling until June 4, 2004 at 9:00 a.m.* Judge Mike McCormick5/19/04 Order From the Court of Criminal Appeals RE: Petition for Writ of
Habeas Corpus is Hereby Dismissed6-4-04 Re-Set this case for *pre-trial*
on June 11, 2004 at 9:00 a.m.

JUDGE MIKE McCORMICK

6/11/04 Motion to Dismiss filed in Open Court.

6-11-04 Motion to desseis is ~~denied~~.
Granted. Case dismissed

6-15-04 Petition for Habeas Corpus is dismissed

U. Uinson

6/15/04 All parties notified

4/27/04 Notice of Appeal of Writ for Habeas Corpus *

7-17-04 Letter from deft.

7-17-04 Objection to Violation of Constitutional Right
for Habeas Corpus

* SAME AS EXHIBIT- "S-2"

3RD PAGE, EXHIBIT "S-1"

IN THE CIRCUIT COURT
FOR THE 10TH JUDICIAL CIRCUIT

DANIEL LAFITTE DUMONDE

PLAINTIFF -
PETITIONER

VS.

DAVID BARBER, ET. AL.
10TH JUDICIAL CIRCUIT
JEFFERSON COUNTY, AL.

CASE NO: DC 2003-12747
CC. 04-783
- CR-03-1126

RESPONDENTS,
DEFENDANTS

NOTICE OF ACTION AND APPEAL
WRIT FOR HABEAS CORPUS

COMES NOW PLAINTIFF, Daniel Lafitte Dumonde, defendant in the above REFERENCED CASE, No. - DC 2003-12747, deposes and says;

(1.) That PETITIONER has sought Relief from this COURT in a PREVIOUS WRIT for Habeas-Corpus - asserting UNLAWFUL ARREST and DENIAL of DUE PROCESS of law through unlawful means of Prosecutorial Misconduct, i.e., Malfeasance in Office.

(2.) That the State has failed to appear or provide RETURN as requested and required by law.

(PAGE ONE) | STATE EXHIBIT "S-2"

IN THE CIRCUIT COURT

(3.) That the State has failed to defend its cause and therefore in default.

(4.) That the "Burden is on the State to show - arrest was lawful."

GRADY V. STATE, (42 ALA.App. 578, 172 So 2d 787)

(5.) That whether or not arrest was lawful, which defendant has asserted that it IS NOT, defendant has become "entitled to his discharge" by reason of some subsequent act or event, as defined in Title 15-21-24, subsection 3, which allows - "The Process is void in consequence of some defect in matter or substance Required by law." (That is, due-process)

(6.) That DUE PROCESS has been denied by the Court's refusal to afford Plaintiff herein a fair-hearing, or any hearing as previously requested, including "Motion for Dismissal", Motion for Bond-Reduction", Motion to Proceed Pro-Se with appointment of Standby Counsel".

None of these motions, having been filed more than 2 months previously, have been heard. No-Return to Writ has been forthcoming for in excess of (40) Forty-Working Days.

(PAGE TWO)

(3.)

IN THE CIRCUIT COURT
FOR THE 10TH JUDICIAL CIRCUIT

(7.) PETITIONER/Defendant now serves notice on
This Court that under Exigent Circumstances
he shall seek Justice and Relief in the form
of Discharge from the Alabama Supreme
Court, as same has been denied by this court.
I contend a Presumption of PREJUDICE EXISTS.

Swear under penalty of perjury this

5 day of APRIL, 2004.

by

Daniel L. Dumonde

DANIEL L. DUMONDE, Pro-Se

Copies of the above have been sent by U.S.-
Mail to all concerned parties, including the
following:

CC. Clerk of the Supreme Court of
Alabama, 300 DEXTER Ave.,
Montgomery, Al. 36101

CC. Attorney General

CC. Anne Marie Adams,

Circuit Court Clerk, 10th Judicial
801 21st St. N. Room 901

CC. David Barber, District Attorney
801 21st St. N. Room L.01

**COURT OF CRIMINAL APPEALS
STATE OF ALABAMA**

H. W. "BUCKY" McMILLAN

Presiding Judge

SUE BELL COBB

PAMELA W. BASCHAB

GREG SHAW

A. KELLI WISE

Judges



Lane W. Mann

Clerk

Wanda K. Ivey

Assistant Clerk

(334) 242-4590

Fax (334) 242-4689

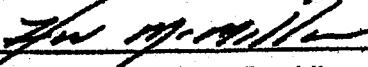
CR-03-1126

**Ex parte Daniel Lafitte Dumonde (In re: State of Alabama vs. Daniel Lafitte Dumonde)
(Jefferson District Court: DC2003-12747).**

ORDER

Upon consideration of the above referenced Petition for Writ of Habeas Corpus, the Court of Criminal Appeals orders that said petition be and the same is hereby DISMISSED.

Done this the 19th day of May, 2004.


H.W. "Bucky" McMillan, Presiding Judge

Court of Criminal Appeals

cc: Hon. Robert G. Cahill, District Judge
Hon. Anne-Marie Adams, District Clerk
Daniel Lafitte Dumonde, Pro Se
Hon. Troy King, Attorney General
Hon. M. David Barber, District Attorney

NOTE: SHOWS THAT SAME FACTS WERE ON
APPEAL EVEN AFTER FED. INDICT, APR. 30,
AND FED. PROCEEDING COMMENCED.

EXHIBIT-S-3

AO 110 (Rev. 12/89) Subpoena to Testify Before Grand Jury

United States District Court

NORTHERN

DISTRICT OF

ALABAMA

TO:

Daniel Laffite Dumonde
c/o Jefferson County Jail
Birmingham, AL

SUBPOENA TO TESTIFY BEFORE GRAND JURY

SUBPOENA FOR:

 PERSON DOCUMENT(S) OR OBJECT(S)

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date, and time specified below.

PLACE	COURTROOM
United States Courthouse Hugo Black Building 1729 Fifth Avenue North Birmingham, Alabama 35203	307A
	DATE AND TIME April 28, 2004 9:00 a.m.

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):*

Your presence is required to provide hand writing exemplars.

In lieu of personal appearance, the requested information may be provided by contacting Special Agent Phil Holly, United States Secret Service, Suite 1125, Daniel Building, 15 South 20th Street, Birmingham, Alabama 35433, (205) 731-1144, on or before April 28, 2004.

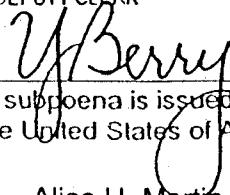
Please see additional information on reverse

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

CLERK

PERRY D. MATHIS

(BY) DEPUTY CLERK



This subpoena is issued on application
of the United States of America

Alice H. Martin
United States Attorney



DATE

04/22/04

USAO #2004R00102

NAME, ADDRESS AND PHONE NUMBER OF ASSISTANT U.S. ATTORNEY

John B. Felton, AUSA
1801 Fourth Avenue North
Birmingham, AL 35203 (205) 244-2256

*If not applicable, enter "none"

This form was electronically produced by Elite Federal Forms, Inc.

EXHIBIT "A"

RETURN OF SERVICE⁽¹⁾

RECEIVED BY SERVER	DATE <u>4/22/04</u>	PLACE US Attorney's Office
SERVED	DATE <u>4/22/04</u>	PLACE Jefferson County Jail

SERVED ON (PRINT NAME)

Daniel Laffite Dumonde

SERVED BY (PRINT NAME) <u>Phillip Holly</u>	TITLE Special Agent U.S Secret Service	
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL

DECLARATION OF SERVER⁽²⁾

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 4/22/04
Date

Phillip Holly
Signature of Server

15 South 20th St Suite 1125
Address of Server Bham AL 35233

ADDITIONAL INFORMATION

(1) As to who may serve a subpoena and the manner of its service see Rule 17(d), Federal Rules of Criminal Procedure, or Rule 45(c), Federal Rules of Civil Procedure.

(2) "Fees and mileage need not be tendered to the witness upon service of a subpoena issued on behalf of the United States or an officer or agency thereof (Rule 45(c), Federal Rules of Civil Procedure; Rule 17(d), Federal Rules of Criminal Procedure) or on behalf of certain indigent parties and criminal defendants who are unable to pay such costs (28 USC 1825, Rule 17(b) Federal Rules of Criminal Procedure)".

"BACK-PAGE" OF EXHIBIT "A"

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

IN RE: INVESTIGATION BEFORE)
THE GRAND JURY EMPANELED)
ON FEBRUARY 26, 2004) NO. _____

GOVERNMENT'S MOTION
REQUESTING ORDER TO SHOW CAUSE

COMES NOW the United States of America, by and through its counsel, Alice H. Martin, United States Attorney for the Northern District of Alabama, and John B. Felton, Assistant United States Attorney for that district, and respectfully moves this Honorable Court for an order directing Daniel Lafitte Dumonde to submit handwriting exemplars on a date certain or show cause why he should not be held in contempt.

As grounds, wherefore, the government states as follows:

1. That on, February 28, 2004, a federal grand jury empaneled in the Northern District of Alabama, will be investigating a matter concerning an allegation that an individual whos identity is known to the grand jury, has manufactured and possessed a counterfeit official check in Jefferson County, Alabama.
2. That Daniel Lafitte Dumonde, who currently is incarcerated at the Jefferson County Jail, Birmingham, Alabama, was served with a subpoena, commanding him to appear before the said grand jury at 9:00am on April 28, 2004, and provide handwriting exemplars with regard to the said matter now under investigation on that date and at that time. This subpoena, as indicated on the face of the document, is to remain in effect until Daniel Lafitte Dumonde is granted leave to depart by the court or by an officer acting on behalf of the court. The subpoena also provides

Gov. APRIL 28, 2004
EXHIBIT: OPEN COURT MOTION, NOT GRANTED

EXHIBIT B

that, in lieu of appearing before the said grand jury, Daniel Lafitte Dumonde can submit to the said exemplars to an agent of the United States Secret Service.

3. On or about April 22, 2004, Special Agent Phillip Holly of the United States Secret Service attempted to serve the said subpoena on Mr. Dumonde. Dumonde informed Special Agent Holly that he would not provide handwriting exemplars without an attorney being present.

4. On April 26, 2004, Special Agent Phillip Holly of the United States Secret Service made a second attempt to serve the said subpoena after determining that all counsel appointed to Mr. Dumonde had withdrawn from the case. Dumonde informed Special Agent Holly that he would submit to handwriting exemplars only after a federal judge appointed him counsel.

5. On April 26, 2004, Mr. Dumonde sent a letter to the United States Attorney's Office accompanied by a document titled a "Notice of Invoking 5th Amendment," in which Dumonde claimed a Fifth Amendment right not to submit to handwriting exemplars.

6. That on April 28, 2004, Mr. Dumonde appeared before the said grand jury and refused to give handwriting exemplars as directed by the foreman of the grand jury in compliance with the said subpoena.

WHEREFORE, PREMISES CONSIDERED, the United States respectfully moves this Honorable Court, pursuant to Rule 17(g), Fed. R. Crim. P., for Order directing Daniel Lafitte Dumonde to submit to handwriting exemplars by a certain time and date, or upon failing to do so, to show cause why he should not be held in contempt.

Respectfully submitted on this the 28th day of April, 2004.

ALICE H. MARTIN
United States Attorney

JOHN B. FELTON
Assistant United States Attorney

PAGE 2 - EXHIBIT B

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

AHM/JBF/MAY2004

FILED w3
04 APR 30 AM 11:04

U.S. DISTRICT COURT
N.D. OF ALABAMA

UNITED STATES OF AMERICA)

v.)

) CR-04-B-0176-S

DANIEL LAFFITE DUMONDE)
also known as Paul Moore)
also known as Danny)
Also known as Daniel Spencer)
and)
WADE RICHARD WALKER)

INDICTMENT

COUNT ONE: [18 U.S.C. §§ 513(a) and 2]

The Grand Jury charges that:

On or about the 25th day of August, 2003, in Jefferson County, within the Northern District of Alabama, the defendants,

DANIEL LAFFITE DUMONDE,
also known as Paul Moore,
also known as Danny,
also known as Daniel Spencer,
and
WADE RICHARD WALKER,

each aided and abetted by the other, with the intent to deceive Bobby Jackson, did knowingly make, possess, utter, and did knowingly cause to be made, possessed, and uttered, a counterfeited security, that is, an official check in the amount of \$16,500, drawn on Regions Bank, Birmingham, Alabama, an organization which operates in and affects interstate commerce, in *

*-(2nd Page Indictment text: -"violation of Title 18,U.S.C.-513(A)-
-and 2."

EXHIBIT

-C-

United States Secret Service
Office of Investigations
Forensic Services Division
Questioned Document Branch



REPORT

May 18, 2004

To: SAIC-Birmingham

Subject: Daniel Lafitte Dumonde

Type of Examination: Handwriting

Case No.: 302-813-31047-S
SA Holly *cc: Holly*

Reference is made to the Birmingham SSF 1544, serial number 302 2004 CE 69.

1. EXHIBITS EXAMINED

- Q-1 One page hand printed letter beginning, "My dearest Frances..." with accompanying letter bearing the partial postmark: "BIRMI...L 352...12...V" marked "Q-1 BK" for identification.
- Q-2 Five page handwritten letter beginning, "EMERGENCY NOV 5, 03 Dear Frances..." with accompanying letter bearing the postmark, "BIRMINGHAM AL 352 PM 12 DEC 2003" marked "Q-2 BK" for identification.
- S-1 Three SSF 1607A(s), four SSF 1607D(s), and three SSF 1607(s) bearing the specimen writing of Daniel Dumonde.

2. REQUEST

Determine whether or not Daniel Dumonde (S-1) wrote the questioned material on Exhibits Q-1 or Q-2.

3. RESULTS OF EXAMINATION

- With the material available for comparison, there are indications that Daniel Dumonde (S-1) may have written Exhibits Q-1 and Q-2, but the evidence is not conclusive.

4. REMARKS

If a further comparison is desired, it may be beneficial to obtain non-request (normal course of business) specimens from the Exhibit S-1 writer.

The submitted exhibits are being returned to the Birmingham Field Office.

EXHIBIT - "D"

Bess.

STATE OF ALABAMA
NIFIED JUD. SYSTEM

RM DC - 6J

7/89

AFFIDAVIT / WARRANT

CASE NUMBER

03 12747
ID YR NUMBER

IN THE DISTRICT COURT OF JEFFERSON COUNTY

THE STATE VS. DUMONDE, DANIEL LAFITTE

AGENCY: JEFF CTY SHERIFF
OCA: 003087658WARRANT NO.
JCID NO.418453
178493

SHERIFF'S SEX MALE EYE BLUE SKIN NEAR 51 YEARS OLD
 ORMATION: RACE WHITE HAIR BROWN WEIGHT ABOUT 195 LBS. DOB ABOUT 3/31/1952
 HEIGHT ABOUT 5 FEET 10 INCHES SSN 077687398
 ADDRESS: 324 WASHINGTON ST 1829 13th AVENUE EMPLOYER: DISABLED
 BESSEMER AL 35020 BESS 35020
 REMARKS: AKA GOLDBERG, LENNY SPENCER, DANIEL
 FITTER, MARSHALL JACKSON, CURTIS

1826 13th ST N, Bess 35020

COMPLAINT:
 PERSONALLY APPEARED BEFORE THE UNDERSIGNED AS MAGISTRATE/JUDGE OF THE DISTRICT COURT OF JEFFERSON COUNTY, AND FOR SAID COUNTY JACKSON, BOBBIE D WHO BEING DULY SWORN, SAYS THAT DUMONDE, DANIEL LAFITTE WHOSE NAME IS OTHERWISE UNKNOWN TO AFFIANT, IN SAID COUNTY DID KNOWINGLY OBTAIN OR EXERT UNAUTHORIZED CONTROL OVER, BY DECEPTION, 1 DIAMOND RING \$25,050.00

COMMITTED TO JAIL

OCT 23 2003

MIKE PALMER,
SHERIFF

THE PROPERTY OF BOBBIE D JACKSON WITH THE INTENT TO DEPRIVE THE OWNER OF MIKE PALMER, IN VIOLATION OF SECTION 13A-8-3 OF THE ALABAMA CRIMINAL CODE

MAGISTRATE/JUDGE OF THE DISTRICT COURT OF JEFFERSON COUNTY

AFFIANT

ANY LAWFUL OFFICER OF SAID STATE, YOU ARE HEREBY COMMANDED TO ARREST DUMONDE, DANIEL LAFITTE AND BRING HIM OR HER BEFORE THE JUDGE OF THE DISTRICT COURT OF JEFFERSON COUNTY, AT THE PRESENT TERM OF SAID COURT, TO ANSWER THE STATE OF ALABAMA ON A CHARGE OF THEFT OF PROPERTY FIRST DEGREE (DECEPTION OVER \$2500) PREFERRED BY JACKSON, BOBBIE D WITNESS MY HAND THIS 16 DAY OF OCTOBER 2003

OFFENSE CODE 23990112

MAGISTRATE/JUDGE OF DISTRICT COURT OF JEFFERSON COUNTY

OND

THE OFFICER ARRESTING MAY ADMIT THE DEFENDANT TO BAIL UPON HIS OR HER ENTERING INTO BOND IN THE SUM OF \$100,000 DOLLARS WITH TWO GOOD SECURITIES APPROVED BY SAID OFFICER.

MAGISTRATE/JUDGE OF DISTRICT COURT OF JEFFERSON COUNTY

COMMENTS:

AT LARGE; BOND JUDGE WATKINS

MAHON / CGDK 88961806

HABEAS
EXHIBIT
GICE, V W
RECEIPT

JCSO 03087658

00000

EXECUTION

Arrived In Office: Executed by Arresting the Within Named Defendant and

 Committed To Jail Released on Bond Date: _____

ALABAMA UNIFORM INCIDENT/OFFENSE REPORT SUPPLEMENT
REPORT

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

E V E N T	2 AGENCY NAME	3 DATE AND TIME OF THIS REPORT			4 CASE #	5 SFX				
	Jefferson County Sheriff's Office	0	8	2 ^D	9	0 ^Y	3	09:00	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM <input type="checkbox"/> MIL	0 3 0 8 - 7 6 5 8
	6 VICTIM'S NAME (ORIGINAL REPORT)				7 ORIGINAL OFFENSE DATE			8 TYPE REPORT		
	Jackson Bobbie				0 8, 2 ^D , 8, 0 ^Y 3			<input type="checkbox"/> CONTINUATION <input checked="" type="checkbox"/> FOLLOWUP		
	9 ORIGINAL INCIDENT/OFFENSE				10 UCR CODE			11 STATE CODE/LOCAL ORDINANCE		
	TOP 1							13 UCR CODE		
	12 NEW INCIDENT/OFFENSE							14 STATE CODE/LOCAL ORDINANCE		
	15 HAS AN ARREST BEEN MADE?	16 DATE OF ARREST	17 HAS WARRANT BEEN OBTAINED?				18 DATE OF WARRANT	19 PRIOR YEAR		
	<input type="checkbox"/> 1 YES <input checked="" type="checkbox"/> 2 NO	M D Y	YES <input type="checkbox"/> NO <input type="checkbox"/> WARRANT #				Y I P	PREMISE	WEAPON	
	20 <input type="checkbox"/> DEFENDANT <input type="checkbox"/> SUSPECT	NAME:			20 <input type="checkbox"/> DEFENDANT <input type="checkbox"/> SUSPECT	NAME:				
101 RACE <input type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> I	102 SEX <input type="checkbox"/> M <input type="checkbox"/> F	103 DOB <input type="checkbox"/> M <input type="checkbox"/> D <input type="checkbox"/> Y	104 AGE	118 RACE <input type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> I	119 SEX <input type="checkbox"/> M <input type="checkbox"/> F	120 DOB <input type="checkbox"/> M <input type="checkbox"/> D <input type="checkbox"/> Y	121 AGE			

I contacted the victim, and she described the suspect as being approximately, nineteen, years old, with long dark brown hair, which, he wore in a pony tail, and the suspect had a tall thin build, and wore rings on both fingers. I contacted Linda Hill, at the District Attorney's Office, and she is preparing a subpoena for the phone numbers that the suspect used. I also contacted Shirley Hillyer, with Am South Bank, and told her that I would be picking up the check, so it could be printed.

N A R R A T I V E	22 LOCAL USE								
	23 STATE USE								
	24 MOTOR VEHICLE		25 CURRENCY, NOTES	26 JEWELRY	27 CLOTHING/ FURS	28 FIREARMS	29 OFFICE EQUIPMENT		
	S	R	S	S	S	S	S		
	R	D	R	R	R	R	R		
	D	C	D	D	D	D	D		
	C		C	C	C	C	C		
	30 ELECTRONICS		31 HOUSEHOLD	32 CONSUMABLE	33 LIVESTOCK	34 MISCELLANEOUS			
	S	R	S	S	S	S	S		
	R	D	R	R	R	D	R		
D	C	D	D	D	D	D			
C		C	C	C	C	C			
MOTOR VEHICLE RECOVERY ONLY REQUIRED FOR 24XX UCR CODE		35 STOLEN IN YOUR JURISDICTION? YES <input type="checkbox"/> NO <input type="checkbox"/> WHERE?			36 RECOVERED IN YOUR JURISDICTION? YES <input type="checkbox"/> NO <input type="checkbox"/> WHERE?				
MULTIPLE CASES CLOSED		37 CASE #	38 SFX	39 CASE #	40 SFX	41 CASE #	42 SFX	43 ADDITIONAL CASES CLOSED NARRATIVE <input type="checkbox"/> Y <input type="checkbox"/> N	
A D 1	44 CASE STATUS <input checked="" type="checkbox"/> 1 - PENDING <input type="checkbox"/> 2 - INACTIVE <input type="checkbox"/> 3 - CLOSED	45 CASE DISPOSITION <input type="checkbox"/> 1 - CLEARED BY ARREST (JUV) <input type="checkbox"/> 2 - CLEARED BY ARREST (ADULT) <input type="checkbox"/> 3 - UNFOUNDED <input type="checkbox"/> 5 - ADMINISTRATIVELY CLEARED	<input type="checkbox"/> 4 - EXCEPTIONAL CLEARANCE <input type="checkbox"/> A - SUSPECT/OFFENDER DEAD <input type="checkbox"/> B - OTHER PROSECUTION <input type="checkbox"/> C - EXTRADITION DENIED <input type="checkbox"/> D - LACK OF PROSECUTION <input type="checkbox"/> E - JUVENILE, NO REFERRAL <input type="checkbox"/> F - DEATH OF VICTIM			46 REPORTING OFFICER Sgt VW Tice	ID # 3378		
						47 ASSISTING OFFICER	ID #		
						48 SUPERVISOR APPROVAL	ID #	49 WATCH CMDR	ID #

DA 4171
EXHIBIT-H*

DEPOSITION

INTAKE NO. 88961806

Date: 10/16/03
 Issued: 10/16/03
 Refused: _____
 Referred: _____
 Bond: 100,000
 Magistrate: SAC

Personally appeared before me BOBBIE D. JACKSON Judge
 being by me first duly sworn, deposes and says:

On 8 25 2003 at 1230 PM AND 9 PM 3700 CHARLESTON LANE BHAM AL
 (date and time) (location)

the following incident occurred: Subject came to my home said he was Paul Maresi son. Presented me with a counterfeit cashiers check in of charge for my diamond Ring - center stone 4 1/2 K & 2 K on sides

SUSPECT INFORMATION

Name: DUMONDE, DANIEL LAFITTE Race: W Sex: M DOB: 3 31 1952

Aliases/Description: GOLDBERG, LENNY HAIR: BRO EYES: BLU

Hgt: 5 ft 10 in Wgt: 195 Work: DISABLED

Res. Add: 324 WASHINGTON ST BESSEMER AL 35020

SS #: 077 68 7398 FBI # AL FPC #:

Prior Record? YES

Relation to Victim:

VICTIM JACKSON, BOBBIE D DOB 03021932 RACE W SEX F
3700 CHARLESTON LANE
BHAM AL 35216 HOME 402 2446 WORK 243 0302

(name and address) Does victim have prior record? NO

OFFICER IN CHARGE OF CASE

TICE, V W JUSO 03087658 BADGE #
 HOME 521 3571 WORK 972 0462 OCA 003087658 ORI AL0010000
 (name, jurisdiction, case no., phone no.)

OTHER

In custody? Yes X No If yes, where? AT LARGE

Is this case a Bail Warrant? Yes No Has case been previously discussed with DA or Magistrate?
 Yes No If yes, with whom?

THEFT I
 OFFENSE:

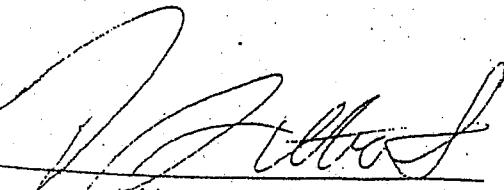

 Magistrate

EXHIBIT J
 EXHIBIT: PROBABLE
 CAUSE AFFIDAVIT
 IN SUPPORT OF "G".



ANNE-MARIE ADAMS, CLERK
Jefferson County Circuit Court, Criminal Division
Room 901 Mel Bailey Justice Center
801 Richard Arrington, Jr., Boulevard, North
Birmingham, Al 35203

Date: 10/31/05

To: Daniel L Dumonde

Dear Sir:

*
Enclosed are the documents you requested.

These documents are not in the clerk's file: Arrest Record, Forensic Report, Investigative reports, officer or witness lists or statements, court reporter trial transcripts, notice of intent to enhance as HFOA per statute, sentence colloquy, search warrants or PSI (probation) reports.

Sincerely,

Anne-Marie Adams

Anne-Marie Adams, Clerk
Circuit Criminal Court, Jefferson County

HABEAS CORPUS EXHIBIT-"L"

**Response concerning-
Exhibits "G" and "J".**

*
**NOTE: EXHIBIT-"S-1" Docket
was received with this letter.
showing No Arrest Warrant Entry**

IN THE SUPREME COURT OF THE UNITED STATES

DUMONDE, DANIEL LAFITTE

Petitioner

vs.

No: 06-8405

USA

WAIVER

The Government hereby waives its right to file a response to the petition in this case, unless requested to do so by the Court.

PAUL D. CLEMENT
Solicitor General
Counsel of Record

December 22, 2006

cc:

DANIEL LAFITTE DUMONDE
#21609-001
F.P.C MAXWELL A.F.B.
MOBILE-B
MONTGOMERY, AL 36112

ISSUE OF SUBJECT MATTER JURISDICTION

-EXHIBIT- "DOC. 1" -GOV. WAIVER

1 department colluded to plant certain evidence and there is
2 actually a trail that would show that, in all due respect, Your
3 Honor.

4 MR. FELTON: Could I put this on the record? That we
5 have Mr. Dumonde's trial exhibit notebook which has all the
6 exhibits in the case, as well as the grand jury testimony of
7 the co-defendant, of Jencks material that I would provide to
8 him, as well as the trial memorandum and the deposition sheet
9 that we were finally able to acquire.

THE COURT: The deposition sheet?

11 MR. FELTON: The affidavit for his felony arrest
12 warrant.

13 THE COURT: Right. Right.

14 MR. FELTON: I just wanted to make sure he has that
15 for the record.

16 Secondly, Your Honor, in response to Mr. Dumonde,
17 there is conclusory evidence that letters were sent by
18 Mr. Dumonde to Frances Watts, there is three letters that were
19 sent by him from the jail to her, and she received them, she
20 knows his handwriting. Those letters purport to tell her what
21 she is supposed to do at the home, what she is supposed to do
22 with the keys to the house, how she is supposed to feed the
23 dog, what she is supposed to do. She was also told that she
24 was about to be evicted and to get some material out.

25 THE COURT: Let me stop you. He is entitled to show

1 can refute it, including the arresting officers.

2 THE COURT: Let me say this: If this is not an
3 objection to the Presentence Report --

4 THE DEFENDANT: It is.

5 THE COURT: No. If this is about the search
6 warrant or anything about your arrest -- what is it then?

7 THE DEFENDANT: It's that the deposition is not my
8 conduct for the original arrest warrant, and this has been
9 proven beyond any fact. And no one can refute it. It's
10 universal law that you can't have probable cause for an
11 arrest using someone else's conduct. That's why I say it's a
12 travesty and a sham. This started out one document, this
13 whole trial --

14 THE COURT: Mr. Dumonde, we've talked about this at
15 length during your trial.

16 THE DEFENDANT: Ad nauseam.

17 THE COURT: We are not going to talk about it
18 anymore. I've overruled that objection.

19 THE DEFENDANT: Then you are violating your
20 judicial oath to uphold the United States Constitution.

21 THE COURT: All right. Your next objection
22 actually did not specifically contain any objections to the
23 guideline range.

24 I'm now going to go to the government's objection. One
25 you, moved for a Motion For Upward Departure based on the

SENTENCING HEARING,

Patricia L. Gass, RPR, CRR
Federal Official Reporter

APRIL 15, 2005, Case No. Cr-04-B-0176-S, (ND-AL), U.S.A. v. Daniel DuMc

-U.S DISTRICT JUDGE, SHARON LOVELACE BLACKBURN

1 actually the ring, if it were in a nice jewelry store
2 somewhere, would sell for between thirty and thirty-five
3 thousand at that time.

4 Q. And is that ring very distinguishable?

5 A. Yes, because of the color. It's an argyle diamond from
6 Europe, and there's only one mine in Italy that mines these
7 diamonds. And it's listed in a book that's in the jeweler's --
8 Ron Redding, who was the appraiser, had the book that this ring
9 was numbered and listed in -- this diamond was numbered and
10 listed in.

11 MR. FELTON: I believe that's all I have at this
12 time, Your Honor.

13 THE COURT: All right.

14 **CROSS-EXAMINATION**

15 **BY DEFENDANT DUMONDE:**

16 Q. How are you doing, ma'am?

17 A. How do you do?

18 Q. Okay. Have you ever seen me before, ma'am?

19 A. No.

20 Q. You had said that -- you had said that Daniel Lafitte
21 Dumonde had called you. Now, you don't know who the person
22 was that called you pretending to be the father? You had
23 never met him?

24 A. I never met him in person, no, sir.

25 Q. But he spoke to you on the phone?

TESTIMONY OF BOBBIE JACKSON
AFFIANT OF - "EXHIBITS - "IT" & "G"
SEPT. 13, 2004 (ND. AL.)

1 warrant?

2 THE COURT: No, sir.

3 DEFENDANT DUMONDE: I mean, swearing to something on
4 a person that you don't know.

5 THE COURT: Did you learn at some point that there
6 was information that the defendant might be involved in this,
7 that Mr. Dumonde might be involved in this?

8 THE WITNESS: Yes, ma'am, I did. I learned through
9 Sergeant Logan -- through Lieutenant Logan and Sergeant Tice,
10 who had done all the research on this, and found who he was and
11 where he was and where he lived and where he was located.

12 And then I gave a description -- I drew a description
13 of the young man, but I had never seen him before until I saw
14 his picture that they had.

15 THE COURT: All right.

16 Q. (By Defendant Dumonde) So you couldn't honestly
17 testify and say that I knowingly obtained anything from you?

18 MR. FELTON: I object, Your Honor.

19 THE COURT: Overruled.

20 A. I don't understand what you're asking me.

21 THE COURT: Do you have any personal knowledge of
22 your dealings that this man was involved? That's the question.

23 THE WITNESS: Oh, no, huh-uh.

24 THE COURT: All right. Go ahead.

25 THE WITNESS: I just got it all from authorities.

Sept. 13, 2004

TESTIMONY OF BOBBIE JACKSON

1 DEFENDANT DUMONDE: Okay. Thank you.

2 Q. So, ma'am, can you truthfully say that I am the person
3 that called you at any given time?

4 A. No, sir, I can't say that.

5 Q. And you've never seen me before?

6 A. Not until I saw you in jail, not until I saw you when we
7 were in court.

8 Q. So I've never come up to your house; and, to your
9 knowledge, I've never defrauded you in anyway?

10 A. You never came to my house.

11 Q. But to your knowledge --

12 THE COURT: She's answered the question.

13 DEFENDANT DUMONDE: Okay. Okay. Let me see if
14 there's anything I left out. Bear with me one minute.

15 (Brief pause)

16 Q. Oh, yes. The man that you have identified as coming to
17 your house, the young man, at the time he came and exchanged
18 the check for your diamond ring, what type of car was he
19 driving? You said you had seen it, I believe.

20 A. It was an older car. It was dark, and I could not tell,
21 but it was an older, darker car.

22 Q. It was an older, darker car. And did he get in on the
23 passenger side?

24 A. He got -- the best I could tell, he got in on the driver's
25 side. I did not know. I could not see. I didn't even have

TESTIMONY, ROBBIE JACKSON

SEPT. 13, 2004

(ND.AL) - CR-04-B-0176-S

1 THE COURT: Did you think you didn't cover that?

2 MR. FELTON: I couldn't remember. I just wanted to
3 -- I think I did, but I just wanted to make sure.

4 THE COURT: Mr. Weatherford, I was looking back from
5 my notes, and I haven't gotten to you yet, refresh my memory
6 about what you do.

7 THE WITNESS: I'm the area security officer for the
8 north central region or area of Regions Bank.

9 THE COURT: Okay. Go ahead.

10 **CROSS-EXAMINATION**

11 **BY DEFENDANT DUMONDE:**

12 Q. Yesterday in your testimony, did you say something
13 about the -- I may be wrong, that's why I'm asking -- that
14 the check itself is owned by a separate company?

15 A. The official checks that Regions Bank and many financial
16 institutions issue, the banks have an agreement with a company
17 called IPS or Integrated Payment Systems. They own these
18 checks.

19 The checks are issued through the financial
20 institution with the institution's name on it; but, when a
21 person comes into a Regions branch and purchases an official
22 check, Regions accepts the cash, issues the check to this
23 person in their name, and the funds are then sent to IPS, and
24 IPS stands behind the check.

25 Q. So Regions Bank is a broker for IPS, would you say

TESTIMONY, BRUCE WEATHERFORD
SEPT. 14, 2004
CR-04-B-0176-S (NO. AC)

— 1 that?

> 2 A. The correct terminology, I wouldn't say, but I'm not sure
3 what the correct terminology is there.

> 4 Q. Okay. Does IPS itself affect interstate commerce?

> 5 A. There again, I don't know.

6 Q. Thank you, sir.

7 MR. FELTON: Nothing further.

8 THE COURT: Mr. Weatherford, thank you very much.

9 MR. FELTON: Could I have just about two minutes,
10 Your Honor?

11 THE COURT: You may.

12 (Brief pause)

13 **REDIRECT EXAMINATION**

14 BY MR. FELTON:

15 Q. Very quickly, Mr. Weatherford, did you verify that the
16 account on the bottom is a Regions routing number?

17 A. Yes, sir, it's a Regions routing number, and it appears to
18 be a Regions account number. It's the same number, same
19 numerical sequence.

20 The routing number would cause that check to be sent
21 to Regions bank. However, it could not post, to the account,
22 because the account number is non-existent at Regions Bank.

23 Q. So this was purported to go to Regions Bank to be drawn
24 on Regions Bank; correct?

25 A. Yes, I think that's the original intent of it.

1 MR. FELTON: No further questions.

2 **RECORD-CROSS-EXAMINATION**

3 **BY DEFENDANT DUMONDE:**

4 Q. Would the bank honor a check that was not -- that did
5 not -- that the routing number didn't reflect an account
6 number?

7 A. Well, it depends on the bank of first deposit. Now, this
8 document may have been deposited at another bank and given
9 credit to the customer, and then the bank -- that bank would
10 send it through the Federal Reserve, and it would be routed by
11 the routing number to Regions Bank.

12 Once it arrives at Regions Bank, it would be
13 processed, but there's no account number to process it to,
14 because that no account number that's on the check is
15 non-existent.

16 Q. Right. It's stamped with no account number on it from
17 the check in evidence.

18 Okay. That's all. Thank you.

19 MR. FELTON: Nothing further, Your Honor.

20 THE COURT: Okay. Thank you.

21 MR. FELTON: The government calls Robert Buck.

22 **ROBERT BUCK, GOVERNMENT'S WITNESS, SWORN.**

23 THE CLERK: Would you state your name, please?

24 THE WITNESS: Robert Buck.

25 THE CLERK: Spell your last name for the record.

TESTIMONY. BRUCE WEATHERFORD.
SEPT. 14, 2004

APPENDIX

DOC.1, WAIVER, Dec.22,2006, SOLICITOR GENERAL,PAUL D, CLEMENT.

EXHIBIT "A", SUBPOENA FOR "HANDWRITING-SAMPLES",APRIL 28,2004,
signed by a deputy clerk only.

EXHIBIT-"B", GOV. MOTION TO "SHOW CAUSE", (Pre-Indictment)
(2-Pages) .

EXHIBIT-"C", INDICTMENT, Violation of 18USC §513(a),APRIL 30,-
2004.

EXHIBIT-"D", SECRET SERVICE REPORT, HANDWRITING, MAY, 18,2004
(results)

EXHIBIT-"G", ALABAMA -"ARREST WARRANT"DOCUMENT, OCT.16,2003.

EXHIBIT-"H", Jefferson County, Alabama, Incident Report,8/29/03.
(County Officers-Work Product-"jencks material") Showing a 19-Year old "SUSPECT" at that date, before Arrest Warrant Affidavit.

EXHIBIT "J", PROBABLE CAUSE AFFIDAVIT, INSUPPORT OF "EXHIBIT-"G"

EXHIBIT-"L", COUNTY CLERK'S LETTER, Stating Exhibits "G" and "J"-
are UNRECORDED IN THE JEFFERSON COUNTY,AL., CLERK'S OFFICE.

OTHER STATE EXHIBITS

EXHIBIT-"S-1", Docket Summary for ALabama DC-03-12747, obtained
with letter from Clerk Exhibit-"L"), (3-Pages)

EXHIBIT "S-2", NOTICE OF APPEAL OF STATE HABEAS CORPUS, Recorded
in (Exhibit-"S-1") -(3-Pages)

EXHIBIT-"S'3", ORDER, ALABAMA COURT OF CRIMINAL APPEALS,MAY 19,-
2003, SUMMARY DISMISSAL OF EX-PARTE HABEAS CORPUS.

RECORD TRANSCRIPT PAGES,CR-04-B-0176-S

R-PAGES, 233,234,235, TESTIMONY, BRUCE WEATHERFORD, GOv.WITNESS

R-PAGE 8, A.U.S.A., , SEPT 9,2004, Entering, inter alia, Exhibts-
"J", AFFIDAVIT AND EXHIBIT-"H", jencks material on Record,US COURT.

R-PAGES,96,100.102,Sept.13,04,BOBBIE JACKSON, AFFIANT OF EXHIBIT "J".